

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIMMY K LEE,
Plaintiff,

v.

CITY OF SAN JOSE, et al.,
Defendants.

Case No. 23-cv-00778-BLF

**ORDER TO SHOW CAUSE RE
SERVICE ON MICHAEL ROBERSON
NO LATER THAN JULY 14, 2023**

On February 14, 2023, Plaintiff Jimmy K. Lee filed a Third Amended Complaint in the Superior Court of California, County of Santa Clara, No. 20CV371303. *See* Notice of Removal 2, ECF No. 1. On February 22, 2023, Defendant City of San Jose removed Plaintiff's complaint to federal court. *See id.* It appears that the complaint, which asserts two claims against Michael Roberson, has not been served upon Mr. Roberson. *See* Motion to Dismiss ("Mot.") 2 n.1, ECF No. 11. It further appears that Plaintiff did not bring any claim against Mr. Roberson in any complaint in the state action prior to its removal to federal court. *See id.* Pursuant to Federal Rule of Civil Procedure 4, Plaintiff was required to serve Mr. Roberson with a summons and a copy of his complaint within 90 days of filing the complaint. Fed. R. Civ. P. 4(c), 4(m). As of the date of this Order, however, Plaintiff has not submitted proof of service as to Mr. Roberson.

Accordingly, the Court ORDERS Plaintiff to FILE proof of service or SHOW CAUSE why Mr. Roberson should not be dismissed for failure to serve, no later than **July 14, 2023**.

IT IS SO ORDERED.

Dated: June 23, 2023


BETH LABSON FREEMAN
United States District Judge